

REMARKS

Summary of the Amendment

Claims 1-5, 7-27 and 29-70 are currently pending, with claims 48-67 and 70 being withdrawn from examination by the Examiner on the basis of a restriction requirement, and with examined claims 1, 22 and 68 being in independent form.

Summary of the Official Action

In the instant Office Action, the Examiner neglected to list document number DE 197 56 422 on form PTO-892. The Examiner also refused to consider the applications cited in the IDS filed November 14, 2002. Additionally, the Examiner indicated that claims 48-67 and 70 were withdrawn from examination because they are directed to a non-elected invention and the Examiner made the restriction final. Finally, the Examiner rejected claims 1-5, 7-27, 29-47 and 68 and 69 over the art of record. By the present remarks, Applicants submit that the rejections are improper, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Restriction Requirement

Claims 1-47 and 68-69 were elected with traverse. Moreover, claims 48-67 and 70 were withdrawn by the Examiner as directed to the non-elected invention. Moreover, the

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Examiner has made the restriction requirement final. However, at this time, Applicants are not canceling the non-elected claims pending allowance of the elected claims.

Interview of January 23, 2003

Applicants appreciate the courtesy extended by the Examiner in the interview of January 23, 2003. In that interview, Applicants' representative discussed, among other things, that none of the applied documents specifically disclose or suggest that the belts separate immediately following the forming roll in combination with the recited position of the at least one suction element.

It was specifically pointed out to the Examiner that Fig. 5 of modify KAMPS teaches to locate the suction device 30 at a location far away from where the belts separate. It was noted that claims 1 and 22 specifically recite that the at least one suction element is positioned at least one of within the forming roll and adjacent the area of the separation point, in combination with the inner and outer belts separate from each other immediately following the forming roll. In response, the Examiner acknowledged that the suction device 30 was clearly not positioned in forming roll 15. Moreover, in response to Applicants' representative's argument that the suction device 30 in Fig. 5 is clearly located far downstream from both forming roll 15 and the separation point, the Examiner agreed to reconsider the position which asserts that the suction device 30 is positioned both adjacent

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to the area of the separation point and immediately following the forming roll 15.

Additionally, and in light of Applicants' arguments, the Examiner agreed to reconsider each of the rejections which specifically relied upon KAMPS.

It was also specifically pointed out to the Examiner that KAMPS as modified by ERIKSON and KANITZ does not render the combination of features recited in independent claim 68 unpatentable and that it would not have been obvious to modify KAMPS in view of ERIKSON and KANITZ. In light of Applicants' arguments, the Examiner agreed to reconsider the rejection of claim 68.

Finally, it was specifically pointed out to the Examiner that Fig. 5 of ODELL teaches to locate the suction device 79 or 70A at a location before where the belts separate after forming roll 15A. It was noted that claim 1 specifically recites that the at least one suction element is positioned at least one of within the forming roll and adjacent the area of the separation point, in combination with the inner and outer belts separate from each other immediately following the forming roll. In response, the Examiner acknowledged that the suction devices 79 and 70A were positioned before forming roll 15A and not immediately following the forming roll 15A. Moreover, in response to Applicants' representative's argument that the suction devices 79 and 70A in Fig. 5 are clearly located far upstream from both forming roll 15A and the separation point, the Examiner agreed to reconsider the position which asserts that the suction devices 79 and 70A are positioned both adjacent to

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the area of the separation point and immediately following the forming roll 15A.

Additionally, and in light of Applicants' arguments, the Examiner agreed to reconsider the rejection which specifically relied upon ODELL.

Non-consideration of the Applications cited in the IDS

Applicants are concurrently filing a form PTO-1449 listing the documents cited in Applicants' previously filed information disclosure statement so that the Examiner can consider the same.

Applicants respectfully request that the Examiner reconsider his decision not to consider the documents cited in the November 14, 2002 IDS and request that the Examiner initial and sign the form PTO-1449 attached hereto.

Traversal of Rejections Under 35 U.S.C. § 102(b)

Over Kamps

Claims 1-5, 7-12 and 16 were rejected as being anticipated by WO 96/35018 to KAMPS.

The Examiner asserted that KAMPS, and in particular Fig. 5 thereof, discloses all of the features of these claims including, among other things, a forming roll 15 and two belts which separate from each other. Reconsideration of the above-noted rejection is respectfully

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requested.

As a preliminary matter, Applicants refer the Examiner to the arguments presented in the Interview wherein it was specifically pointed out to the Examiner that Fig. 5 of KAMPS teaches to locate the suction device 30 at a location far away from where the belts separate. In the Interview, it was specifically emphasized that claim 1 specifically recites that the at least one suction element is positioned at least one of *within the forming roll* and *adjacent the area of the separation point*, in combination with *the inner and outer belts separating from each other immediately following the forming roll*. In response, the Examiner acknowledged that the suction device 30 was clearly not positioned in forming roll 15.

Applicants respectfully submit that this document fails to disclose, or even suggest, inter alia, a forming element comprising *a forming roll*, an inner dewatering belt, and an outer dewatering belt, the inner and outer belts *being guided by the forming roll* and thereafter separating from one another in the area of a separation point, and at least one suction element being positioned *at least one of within the forming roll and adjacent the area of the separation point*, wherein the inner and outer belts separate from each other *immediately following* the forming roll, as recited in independent claim 1.

Applicants note that the suction device 30 in Fig. 5 is clearly located far downstream from both forming roll 15 and the separation point. Indeed, the Examiner agreed, in the Interview, to reconsider the position which asserts that the suction device 30 is positioned

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both adjacent to the area of the separation point and immediately following the forming roll 15.

Applicants emphasize that Fig. 5 of KAMPS shows an embodiment in which a suction device 30 is located far away from where the belts 12 and 13 separate, i.e., it is not positioned *adjacent the area of the separation point*. It is also clear that the suction device 30 is not arranged *within the forming roll 15*.

Applicants note that, for an anticipation rejection under 35 U.S.C. § 102 to be proper, each element of the claim in question must be disclosed in a single document, and if the document relied upon does not do so, then the rejection must be withdrawn. Moreover, an anticipation rejection cannot be based upon the combination of teachings of different embodiments in a single document.

Because this document fails to disclose at least the above mentioned features as recited in at least independent claim 1, Applicants submit that this document does not disclose all the claimed features recited in at least amended independent claim 1.

Further, Applicants submit that claims 2-5, 7-12 and 16 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicants submit that no proper reading of KAMPS discloses or even suggests: that at least the outer belt is a dewatering wire having zonally variable wire permeability as recited in claim 2; that the

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tissue web is separated from the outer belt in the area of the separation point as recited in claim 3; that the tissue web is retained by the inner wire after being separated from the outer belt as recited in claim 4; that at least one of the inner and outer belts comprises a circulating continuous dewatering belt as recited in claim 5; that each of the inner and outer belts is a circulating continuous dewatering wire having zonally variable wire permeability as recited in claim 7; that the inner belt contacts the forming element and the outer belt is guided with the inner belt around the forming element such that the outer belt does not come into contact with the forming element as recited in claim 8; that the forming element comprises the at least one suction element as recited in claim 9; that the forming element comprises a suction zone as recited in claim 10; that the at least one suction element is positioned adjacent the area of the separation point as recited in claim 11; that the at least one suction element is provided inside a loop of the inner belt as recited in claim 12; and that the at least one suction element is arranged at least essentially over an entire width of one of the inner belt and the tissue web as recited in claim 16.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection and further request that the above noted claims be indicated as allowable.

Over Odell

Claim 1 was also rejected as being anticipated by US patent 5,536,372 to ODELL et

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al.

The Examiner asserted that ODELL, and in particular figure 5 thereof, discloses all of the features of this claim including, among other things, a forming roll 15A, two belts 10 and 20 which separate from each other and suction devices 85a and 85b, although the Examiner also asserted in the Interview that suction devices 79 and 70A were also disclosed. Reconsideration of the above-noted rejection is respectfully requested.

Applicants respectfully submit that this document fails to disclose, or even suggest, inter alia, a forming element comprising *a forming roll*, an inner dewatering belt, and an outer dewatering belt, the inner and outer belts *being guided by the forming roll* and thereafter separating from one another in the area of a separation point, and at least one suction element being positioned *at least one of within the forming roll and adjacent the area of the separation point*, wherein the inner and outer belts separate from each other *immediately following* the forming roll, as recited in independent claim 1.

As was specifically pointed out to the Examiner in the Interview, Fig. 5 of ODELL teaches to locate the suction device 79 or 70A at a location before where the belts separate after forming roll 15A. On the other hand, claim 1 specifically recites that the at least one suction element is positioned at least one of *within the forming roll and adjacent the area of the separation point*, in combination with *the inner and outer belts separating from each other immediately following the forming roll*. Indeed, the Examiner acknowledged that the

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suction devices 79 and 70A were positioned before forming roll 15A and not immediately following the forming roll 15A. Moreover, in response to Applicants' representative's argument that the suction devices 79 and 70A in Fig. 5 are clearly located far upstream from both forming roll 15A and the separation point, the Examiner agreed to reconsider the position which asserts that the suction devices 79 and 70A are positioned both adjacent to the area of the separation point and immediately following the forming roll 15A.

Again, Applicants note that, for an anticipation rejection under 35 U.S.C. § 102 to be proper, each element of the claim in question must be disclosed in a single document, and if the document relied upon does not do so, then the rejection must be withdrawn.

Because this document fails to disclose at least the above-mentioned features as recited in at least independent claim 1, Applicants submit that this document fails to disclose all the claimed features recited in at least independent claim 1.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection and further request that the above-noted claim be indicated as being allowable.

Traversal of Rejections Under 35 U.S.C. § 103(a)

Applicants traverse the Examiner's rejection of claims 13-15 and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over KAMPS in view of WO 94/28242 to ERIKSON.

Applicants also traverse the Examiner's rejection of claims 22-27, 29-47 and 68 under

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35 U.S.C. § 103(a) as being unpatentable over KAMPS in view of ERIKSON and further in view of US patent 6,231,723 to KANITZ.

Applicants additionally traverse the Examiner's rejection of claim 69 under 35 U.S.C. § 103(a) as being unpatentable over KAMPS in view of ERIKSON and KANITZ, and further in view of DE 197 56 422 to TIETZ.

With regard to the two former rejections, the Examiner asserted that KAMPS discloses all the claimed features except for a suction device having adjustable vacuum. However, the Examiner asserted that ERIKSON teaches this feature. Accordingly, the Examiner concluded that it would have been obvious to one of ordinary skill in the art to modify the device disclosed in KAMPS in view of ERIKSON.

Next, the Examiner asserted that KAMPS and ERIKSON disclose all the claimed features except for a conditioning device. However, the Examiner asserted that KANITZ teaches this feature. Accordingly, the Examiner concluded that it would have been obvious to one of ordinary skill in the art to modify the device disclosed in KAMPS in view of ERIKSON and KANITZ.

Finally, the Examiner asserted that KAMPS, ERIKSON and KANITZ disclose all the claimed features except for the shoe press nip. However, the Examiner asserted that TIETZ teaches this feature. Accordingly, the Examiner concluded that it would have been obvious to one of ordinary skill in the art to modify the device disclosed in KAMPS in view of

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ERIKSON, KANITZ and TIETZ.

Reconsideration of the above-noted rejection is respectfully requested. Again, Applicants refer the Examiner to the arguments presented in the Interview wherein it was specifically pointed out to the Examiner that Fig. 5 of KAMPS teaches to locate the suction device 30 at a location far away from where the belts separate. In the Interview, it was specifically emphasized that claims 1 and 22 specifically recite that the at least one suction element is positioned at least one of *within the forming roll* and *adjacent the area of the separation point*, in combination with *the inner and outer belts separating from each other immediately following the forming roll*. In response, the Examiner acknowledged that the suction device 30 was clearly not positioned in forming roll 15. It was also specifically pointed out to the Examiner that KAMPS as modified by ERIKSON and KANITZ does not render the combination of features recited in independent claim 68 unpatentable and that it would not have been obvious to KAMPS in view of ERIKSON and KANITZ. In light of Applicants' arguments, the Examiner agreed to reconsider the rejection of claim 68.

Thus, Applicants respectfully submit that no proper combination of these documents discloses or suggests, inter alia, a forming element comprising *a forming roll*, an inner dewatering belt, and an outer dewatering belt, the inner and outer belts *being guided by the forming roll* and thereafter separating from one another in the area of a separation point, and at least one suction element being positioned *at least one of within the forming roll and*

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adjacent the area of the separation point, wherein the inner and outer belts separate from each other *immediately following* the forming roll, as recited in independent claims 1 and 22, and inter alia, that each of the inner and outer belts is guided over the forming roll and *thereafter separating from one another in the area of a separation point located immediately following the forming roll* and at least one of *at least one suction element positioned inside the inner loop and adjacent the inner belt on a side which is opposite the outer belt and a conditioning device positioned adjacent the outer belt so as to clean the outer belt*, wherein at least one of the inner and the outer belts is *a dewatering wire having zonally variable wire permeability*, as recited in independent claim 68.

As discussed above, Fig. 5 of KAMPS shows an embodiment in which a suction device 30 is located far away from where the belts 12 and 13 separate, i.e., it is not positioned *adjacent the area of the separation point*. It is also clear that the suction device 30 is not arranged *within the forming roll 15*. Applicants emphasize that the suction device 30 in Fig. 5 of KAMPS is clearly located far downstream from both forming roll 15 and the separation point. Indeed, the Examiner agreed, in the Interview, to reconsider the position which asserts that the suction device 30 is positioned both adjacent to the area of the separation point and immediately following the forming roll 15.

Additionally, it is clear from Fig. 1 that ERIKSON teaches to separate the belts far away from the forming roll 1, i.e., after roll 6. It is also apparent that ERIKSON teaches to

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locate the suction device 23 at a location which is far away from the forming roll 1. Accordingly, it is clear that this document does not disclose or suggest the at least one suction element being *positioned at least one of within the forming roll and adjacent the area of the separation point*, wherein *the inner and outer belts separate from each other immediately following the forming roll*.

Next, KANITZ similarly teaches to separate the belts far away from the forming roll 24, i.e., after pickup box 54. Accordingly, it is clear that this document does not disclose or suggest the at least one suction element being *positioned at least one of within the forming roll and adjacent the area of the separation point*, wherein *the inner and outer belts separate from each other immediately following the forming roll*.

Furthermore, as discussed above, TIETZ similarly discloses to locate the suction device 6 at a location far away from where the belts separate. Accordingly, it is clear that this document does not disclose or suggest the at least one suction element being *positioned at least one of within the forming roll and adjacent the area of the separation point*, wherein *the inner and outer belts separate from each other immediately following the forming roll*.

Finally, contrary to the Examiner's assertions in the Office action, KAMPS does not disclose or suggest that at least one of the inner and the outer belts is a dewatering wire having zonally variable wire permeability as recited in claim 68. Nor is this feature disclosed or suggested by any of ERIKSON, KANITZ and TIETZ.

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Thus, even if these documents were properly combined, which Applicants submit they cannot be, they would nevertheless lack features which are recited in at least independent claims 1, 22 and 68. Moreover, each of these documents fails to disclose or suggest the requisite motivation or rationale for combining these documents in the manner asserted by the Examiner. Finally, Applicants submit that ERIKSON, KANITZ and TIETZ fail to cure the deficiencies in KAMPS, and vice versa.

Accordingly, Applicants submit that no proper combination of ERIKSON, KANITZ, TIETZ and KAMPS discloses or suggests the combination of features recited in at least independent claims 1, 22 and 68, much less, claims 13-15, 17-21, 23-27 and 29-47 and 69 which depend from claims 1, 22 and 68 and further recite: that the at least one suction element comprises a vacuum suction element and wherein the vacuum present inside the suction element is adjustable as recited in claim 13; that the at least one suction element is positioned in front of the separation point, in a web travel direction as recited in claim 14; that the at least one suction element causes the inner belt to separate from the outer belt as recited in claim 15; that the former further comprises at least one blowing element positioned adjacent the outer belt on a side which is opposite the inner belt as recited in claim 17; that the at least one blowing element is located in the area of the separation point as recited in claim 18; that the at least one blowing element is located in the area of the separation point and inside a loop of the outer belt as recited in claim 19; that the at least one blowing element

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is arranged at least essentially over an entire width of one of the outer belt and the tissue web as recited in claim 20; that the forming element comprises a suction zone having adjustable vacuum as recited in claim 21; that at least one of the inner belt and the outer belt is a dewatering wire having zonally variable wire permeability as recited in claim 23; that the former further comprises at least one suction element positioned adjacent the inner belt on a side which is opposite the outer belt as recited in claim 24; that the tissue web is separated from the outer belt in the area of the separation point as recited in claim 25; that the tissue web is retained by the inner wire after being separated from the outer belt as recited in claim 26; that at least one of the inner and outer belts comprises a circulating continuous dewatering belt as recited in claim 27; that each of the inner and outer belts is a circulating continuous dewatering wire having zonally variable wire permeability as recited in claim 29; that the inner belt contacts the forming element and the outer belt is guided with the inner belt around the forming element such that the outer belt does not come into contact with the forming element as recited in claim 30; that the forming element comprises the at least one suction element as recited in claim 31; that the forming element comprises a suction zone as recited in claim 32; that the former further comprises at least one suction element positioned adjacent the area of the separation point as recited in claim 33; that the at least one suction element is provided inside a loop of the inner belt as recited in claim 34; that the at least one suction element comprises a vacuum suction element and wherein the vacuum present inside

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the suction element is adjustable as recited in claim 35; that the at least one suction element is positioned in front of the separation point, in a web travel direction as recited in claim 36; that the at least one suction element causes the inner belt to separate from the outer belt as recited in claim 37; that the at least one suction element is arranged at least essentially over an entire width of one of the inner belt and the tissue web as recited in claim 38; that the former further comprises at least one blowing element positioned adjacent the outer belt on a side which is opposite the inner belt as recited in claim 39; that the at least one blowing element is located in the area of the separation point as recited in claim 40; that the at least one blowing element is located in the area of the separation point and inside a loop of the outer belt as recited in claim 41; that the at least one blowing element is arranged at least essentially over an entire width of one of the outer belt and the tissue web as recited in claim 42; that the forming element comprises a suction zone having adjustable vacuum as recited in claim 43; that the conditioning device comprises a wire cleaning device as recited in claim 44; that the conditioning device is arranged at least essentially over an entire width of one of the outer belt and the tissue web as recited in claim 45; that the inner belt is a felt belt as recited in claim 46; that the former is a crescent former as recited in claim 47; and that the former further comprises a press nip through which the tissue web and the inner belt is guided, the press nip being formed between a cylinder and shoe press roll, wherein the tissue web is removed from the inner belt after passing through the press nip as recited in claim 69.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejections of the above-noted claims under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

Traversal of the Examiner's comments

Regarding the Examiner's suggestion that the suction device 30 shown in Fig. 5 of KAMPS is positioned adjacent the forming roll, Applicants note that claims 1 and 22 also require that the suction device be positioned either in the forming roll or immediately following it. These features are entirely absent in Fig. 5 of KAMPS. It is clear from Fig. 5 that the suction device 30 is located well after a downstream guide roll, and well downstream of where belts 12 and 13 separate from each other.

Regarding the Examiner's assertion that Applicants have not specified or defined the term "adjacent", Applicants note that Applicants' Fig. 2 clearly provides one example of such a relative positioning. As is clearly shown there, the suction device 36 is positioned immediately following the forming roll 18 and adjacent the area where the belts separate from one another. The Examiner has also simply failed to fully consider that all of the claims recite that the inner and outer belts separate from each other *immediately following the forming roll*.

Finally, Applicants direct the Examiner's attention to the guidelines identified in

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M.P.E.P section 2141 which state that "[i]n determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

As this section clearly indicates, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)."

Moreover, it has been legally established that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references).

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Additionally, it has been held that "[a] statement that modifications of the prior art to meet the claimed invention would have been "" well within the ordinary skill of the art at the time the claimed invention was made"" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)."

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicants' invention, as recited in each of claims 1-5, 7-27, 29-47, 68 and 69. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

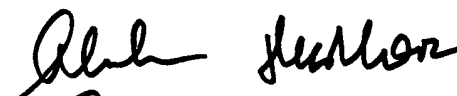
Accordingly, reconsideration of the outstanding Office Action and allowance of the

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present application and all the claims therein are respectfully requested and now believed to be appropriate.

The Commissioner is hereby authorized to charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Respectfully submitted,
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